Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 09-12-17	Bureau/Station/Facility: Industry Station	Admin. Invest.? [ ] Hit? [x]

Incident Information

URN: 017-11266-1420-013	Date: 09-11-17 Time: 1743 hours
City or Station: West Valinda	Nature of Incident: Deputies responded to the location regarding a 415F call. The D/P armed himself with a handgun and rifle, and pointed them at the deputies. Fearing for their lives, the deputies shot the D/P.
Location: [redacted] Stitchman Avenue	

Location Type (*check one or more*):
- [x] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [x] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other:

Lighting (*check only one*):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: Approximately 25 feet

Total # of Shots Fired by Deputy: 15

Total # of Shots Fired by Suspect: 4

Incident Type (*check one or more*):
- [ ] Accidental
- [x] Armed Person
- [ ] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [x] Call
- [ ] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

Aero Unit? [ ] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	[redacted]	[redacted]	[redacted]	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sandoval	Erico	NMI

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Gutierrez	Nora	H.

PSTD Use Only

SH # SH 2435972

SH-R-438A (rev. 10/01/15)

See Reverse

Officer Involved Shooting
Involved Employee Information

URN: 017-11266-1420-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Khounthavong	First Name: Benny	M.I.: S.
Sex: M Race: O	Rank: DSG	Unit Assignment: Industry Station	Work Assignment (Unit #, Module, etc.): 142F
ShiftTime (*circle only one*): [ ] EM [x] PM [ ] Day	ShiftType (*circle only one*): [x] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [ ]
Hrs of sleep prior to shooting: 7 / Duty Time (hrs): [redacted]	Age: 37 Height: 510 Weight: 175	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [x] Uniform w/ Vest	Other Factors:
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted] / Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 11	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name: Rodriguez	First Name: Luis	M.I.: C.
Sex: M Race: H	Rank: DSG	Unit Assignment: Industry Station	Work Assignment (Unit #, Module, etc.): 142F
ShiftTime (*circle only one*): [ ] EM [x] PM [ ] Day	ShiftType (*circle only one*): [x] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [ ]
Hrs of sleep prior to shooting: 6 / Duty Time (hrs): [redacted]	Age: 42 Height: 509 Weight: 210	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [x] Uniform w/ Vest	Other Factors:
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted] / Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 4	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [ ]
Hrs of sleep prior to shooting: / Duty Time (hrs):	Age: Height: Weight:	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest	Other Factors:
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ] / Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] / Number of Prior Shootings:	Directed Force: [ ]
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 017-11266-1420-013

Suspect Information

S 1

Last Name: Hernandez		First Name: Vincent	M.I. E.
AKA Last Name: Jr.		First Name:	M.I.
Sex: M Race: H	Street Addres[redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Ho[redacted]	Social Secu[redacted]	Driver's Licens[redacted]
Age: 39 D.O.B. 12-28-77	Height: 600 Weight: 155	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☑	Coroner Case # 2017-06990	Intoxication/Drug Usage? ☑	Substance Used: Methamphetamine/Marijuana
Armed? ☑	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make Model: Year:	Parole: No	Probation: Yes	Prior Felony Conviction: No

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

See Other Side

Officer Involved Shooting

URN: 017-11266-1420-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
09-11-17	1920	10/08/19	

Employee #	Last Name	First Name	M.I.
[redacted]	Burse	Michael	A.
[redacted]	Valle	Paul	S.
[redacted]	Renteria	Israel	NMI

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OO	ZZ	WW			CP	HD
S1	E2	OO	ZZ	WW			CP	FA
E1	S1	FH	BR	9	Y	Y	GS	CH
E2	S1	FH	BR	9	Y	Y	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-Duty Hit Shooting, Suspect Deceased**
IAB FILE NUMBER:	**SH 2435972**
URN#:	**017-11266-1420-013**
DATE/TIME:	**September 11, 2017, 1743 hours**
LOCATION:	**[redacted] Stichman Avenue, West Valinda**

On September 11, 2017, an Internal Affairs Bureau (IAB) Shooting Response Team comprised of Lieutenant Michael Burse, Sergeant Paul Valle, and Sergeant Israel Renteria responded to [redacted] Stichman Avenue, West Valinda regarding an on-duty hit shooting.

Suspect Vincent Edward Hernandez, Jr. (Suspect Hernandez) sustained one gunshot wound to his chest, and was pronounced deceased. No deputies were injured.

Lieutenant Burse verified the Industry Station Watch Commander, Sergeant Nora Gutierrez, took reasonable steps to ensure the involved personnel did not discuss the incident among themselves, or with uninvolved persons prior to being interviewed by the assigned investigators. Lieutenant Burse also ensured Sergeant Gutierrez knew the involved personnel should not collectively consult with their representatives. Additionally, Lieutenant Burse confirmed Sergeant Gutierrez ensured the involved personnel remained in the company of a supervisor until they provided statements to the assigned investigators.

Upon their arrival, IAB investigators learned there was an active command post and containment of the scene. Investigators learned of the series of events which culminated in the shooting which involved Deputies Luis Rodriguez and Benny Khounthavong.

Detectives Kevin Acebedo, #[redacted] and Judy Luera, #[redacted] from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the investigation. For further information regarding their investigation, refer to the Homicide Bureau Investigation Case Book, under Uniform Report Number (URN) 017-11266-1420-013 **[Exhibit A]**.

SYNOPSIS

On September 11, 2017, at approximately 1630 hours, Industry Station desk personnel received a call from [redacted] (Witness [redacted]), requesting deputies respond to the residence regarding a family disturbance. Witness [redacted] stated her [redacted] Suspect Hernandez was under the influence of drugs, and was refusing to leave the residence. A call was generated and dispatched to field units as incident #IDT17254-0255 (tag #255) **[Exhibit B]**.

Deputies Rodriguez and Khounthavong were assigned to the call, and responded to the residence. There, they contacted the informant, Witness [redacted] Suspect Hernandez' [redacted] (Witness [redacted], and Suspect Hernandez's [redacted] (Witness [redacted]) outside of the residence, near the front of the house. The deputies were informed Witness [redacted] was the owner of the residence and allowed Suspect Hernandez to temporarily live with her, but he extended his stay. Suspect Hernandez was possibly taking advantage of Witness [redacted] and living there without paying rent or assisting with any expenses. The deputies were also informed Suspect Hernandez was possibly under the influence of drugs, owned a pellet/air rifle, and refused to come out of his bedroom.

Deputies Rodriguez and Khounthavong were escorted into the residence and they began to converse with Suspect Hernandez through his closed bedroom door. They spent several minutes trying to convince him to exit and speak to them, but he refused to cooperate. At one point, Suspect Hernandez climbed out of the bedroom window and into the backyard. Both deputies observed Suspect Hernandez had armed himself with a handgun and a rifle, holding them in each of his hands. Both Deputies Rodriguez and Khounthavong ordered Suspect Hernandez several times to drop the weapons, but he refused to comply. When Suspect Hernandez pointed the weapons toward them and began to shoot, a deputy involved shooting occurred.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Suspect Hernandez by Deputy Rodriguez and Deputy Khounthavong. In the letter of opinion **[Exhibit C]**, dated November 19, 2018, Head Deputy District Attorney Shannon Presby concluded both Deputies Rodriguez and Khounthavong acted lawfully in self-defense and defense of others.

INVOLVED EMPLOYEES AND WORK HISTORY

Khounthavong, Benny, Deputy Sheriff, #[redacted]
East Patrol Division, Industry Station

Work History

Date of Employment:	July 23, 2007
Date Assigned to Industry Station:	June 25, 2017
Date Completed Patrol Training:	[redacted]
Prior Shooting incident(s):	

Equipment Worn On Person

Deputy Khounthavong was wearing a Class "A" uniform with a gun belt. His gun belt contained a holster with his duty weapon, one magazine pouch containing two magazines, a can of Oleoresin Capsicum (OC) spray, a collapsible baton, two sets of handcuffs in cases, one set of keys in a pouch, and a portable radio within a holster.

Rodriguez, Luis, Deputy Sheriff, #[redacted]
East Patrol Division, Industry Station

Work History

Date of Employment:	October 1, 1998
Date Assigned to Industry Station:	January 21, 2007
Date Completed Patrol Training:	[redacted]
Prior Shooting incident(s):	

Equipment Worn On Person

Deputy Rodriguez was wearing a Class "A" uniform with a gun belt. His gun belt contained a holster with his duty weapon, one magazine pouch containing two magazines, a can of Oleoresin Capsicum (OC) spray, a collapsible baton, a sap in the sap pants pocket, two sets of handcuffs in cases, one set of keys in a pouch, and a portable radio within a holster.

SUSPECT INFORMATION

Hernandez, Vincent Edward Jr.
Male, Hispanic, DOB: December 28, 1977, 6'00", 155 pounds.
[redacted]
CII #[redacted], MAIN #[redacted], FBI #[redacted]

IAB Note: **A copy of Suspect Hernandez's criminal history is included in the Homicide Bureau Investigation Case Book [Exhibit A, pages 166-197].**

WITNESSES


[redacted]

Sergeant [redacted]
Law Enforcement Technician Robert Lai

INJURIES

Suspect Hernandez sustained one gunshot wound to the chest. A Laboratory Analysis Summary Report from the Los Angeles County Medical Examiner's office indicated a heart blood sample extracted from Suspect Hernandez indicated "Presumptive Positive" for both marijuana and methamphetamine **[Exhibit A, pages 211-212]**.

Suspect Hernandez' entire medical report can be found in the Homicide Bureau Investigation Case Book **[Exhibit A, pages 198-221]**.

DEPUTY PERSONNEL INJURIES

No deputies were injured.

PHYSICAL EVIDENCE

All physical evidence was located and collected by Los Angeles County Sheriff's Department Scientific Services Bureau personnel. For descriptions of the evidence collected and where it was collected, see the Crime Scene Investigation Reports **[Exhibit A, pages 80-104]**.

Sketches of the scene were created by Deputy John Chun, #[redacted] **[Exhibit A, pages 83-84]**. Crime Scene Investigation Reports were authored by Senior Criminalist Amanda Davis, #[redacted] Forensic Identification Specialist II, Susannah Baker, #[redacted] Forensic Identification Specialist II, Sergio Castellon, #[redacted] and Forensic Identification Specialist II, Cynthia Fortier, #[redacted] **[Exhibit A, pages 80-104]**. A flash drive containing photographs of the scene, aerial images, the suspect's weapons, the involved deputies and their weapons, and postmortem images were also included with this case **[Exhibit G]**.

DISTANCE

Deputy Rodriguez was approximately thirty feet away from Suspect Hernandez when he fired his firearm at Suspect Hernandez. Deputy Khounthavong was approximately twenty-five to thirty feet away from Suspect Hernandez when he fired his firearm at Suspect Hernandez.

INVESTIGATOR OBSERVATIONS

On September 11, 2017, at approximately 1810 hours, IAB Lieutenant Burse, Sergeant Valle, and Sergeant Renteria responded to the scene, and arrived at approximately 1923 hours. Homicide Bureau Lieutenant Rodney Moore, #[redacted], conducted a briefing of the incident, then narrated an escorted walk of the scene.

The scene was described in detail by Homicide Bureau Detectives Acebedo and Luera. Their description of the scene was consistent with the initial IAB investigator's observations. The scene was photographed by Scientific Services Bureau personnel. Included in the IAB Case Book is a USB flash drive containing images of the scene **[Exhibit G/Scene Images]**.

WEAPON USED BY DEPUTY KHOUNTHAVONG

Deputy Khounthavong fired eleven rounds of 9 millimeter ammunition from his Berretta, model 92FS, semiautomatic pistol. The firearm was examined by Scientific Services Bureau Senior Criminalist Amanda Davis, #[redacted]. The weapon was found to be functional **[Exhibit A, pages 90-91]**.

Prior to the shooting, Deputy Khounthavong qualified with his firearm on [redacted]

WEAPON USED BY DEPUTY RODRIGUEZ

Deputy Rodriguez fired four rounds of 9 millimeter ammunition from his Berretta, model 92FS, semiautomatic pistol. The firearm was examined by Scientific Services Bureau Senior Criminalist Amanda Davis, #[redacted]. The weapon was found to be functional **[Exhibit A, pages 90-91]**.

Prior to the shooting, Deputy Rodriguez qualified with his firearm on [redacted]

Fourteen expended 9 millimeter cartridge casings were recovered at the scene. Nine casings were located in the patio area, and five casings were located inside the house, in the living room **[Exhibit A, pages 84 and 87-89]**.

WEAPON USED BY SUSPECT HERNANDEZ

Suspect Hernandez was armed with two air guns at the time of the shooting. One resembled a semi-automatic handgun, and the other resembled a rifle with an attached scope.

Five steel, 0.177 caliber pellets were recovered from the scene. These pellets were consistent with projectiles that could be fired from a 0.177 caliber air gun.

One of the pellets was located in the kitchen area, near the hallway that led to Suspect Hernandez's bedroom. The remaining four pellets were located in the patio, in the area where both Deputies Khounthavong and Rodriguez were standing at the time of the shooting. Both of Suspect Hernandez's air guns were examined and test fired by Scientific Services Bureau personnel, who determined them to be functional. It was also determined both weapons were 0.177 calibers. **[Exhibit A, pages 84, 88, and 92-96]**.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation into the shooting was handled by Detectives Acebedo and Luera of the Los Angeles County Sheriff's Department's Homicide Bureau. No charges were filed.

LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by daylight. The weather was clear and warm.

INVOLVED EMPLOYEE'S STATEMENT

Deputy Benny Khounthavong

On September 13, 2017, Involved Employee Deputy Benny Khounthavong was interviewed by Homicide Bureau Detectives Acebedo and Luera at Industry Station. Attorney Steven Welch represented Deputy Khounthavong during the interview. Deputy Khounthavong was interviewed a second time on August 20, 2019, by IAB Sergeants Valle and Puebla at the IAB office. Deputy Khounthavong was represented by Attorney Tom Yu during the IAB interview.

IAB Note: Deputy Khounthavong was initially interviewed by Homicide Bureau detectives several hours after the incident on September 12, 2017, at approximately 0035 hours. The incident occurred near the end of Deputy Khounthavong's double shift, and he was nearing the maximum threshold for working consecutive hours so his primary interview with Homicide Bureau was held on September 13, 2017. The interview conducted on September 12, 2017, was to account for the uniform and equipment Deputy Khounthavong wore that evening and to conduct a count of the remaining bullets in his firearm. For details about those interviews, see Deputy Khounthavong's Homicide Bureau transcripts.

On September 11, 2017, Deputy Khounthavong was assigned to unit 142F, during the PM shift, with his partner, Deputy Rodriguez. Deputy Khounthavong was the driver of the patrol car while Deputy Rodriguez was the front passenger. Although Deputy Khounthavong was on patrol [redacted] at the time, Deputy Rodriguez was not his regularly assigned [redacted]. Deputy Rodriguez was assigned with him that day because Deputy Khounthavong's [redacted] (Deputy [redacted] #[redacted] was attending training. At approximately 1700 hours, they were assigned to a family disturbance call (tag #255) at the location. The call was dispatched to them as "routine", and was not voiced over the radio. Deputy Khounthavong remembered the call stated the disturbing party was possibly under the influence of drugs, and the informant wanted him removed from the property. Deputy Khounthavong was unfamiliar with the location and had never contacted any of the family members before.

Deputy Khounthavong parked the patrol car approximately one house away from the residence. He walked to the front yard and contacted the informant, who identified herself as the [redacted] (Witness [redacted]) of the disturbing party, Suspect Hernandez. Deputy Khounthavong also contacted a male (Witness [redacted]), who he believed to be Suspect Hernandez's [redacted]. Both Witnesses [redacted] and [redacted] stated Suspect Hernandez was under the influence of drugs, and they had earlier found drug paraphernalia in the house. They explained to Deputy Khounthavong that Witness [redacted] (the suspect's [redacted]) allowed Suspect Hernandez to reside with her, but now wanted him out because he was causing Witness [redacted] to fear for her life.

Deputy Khounthavong was provided Suspect Hernandez's full name and date of birth, and was told he had an outstanding warrant for his arrest. Deputy Rodriguez returned to their patrol car to confirm the status of the warrant. When he returned, Deputy Rodriguez informed Deputy Khounthavong the suspect had two outstanding warrants. Deputy Khounthavong believed one of the warrants for was for a vandalism charge, but could not recall the total bail amount. He did remember one of the warrants had a bail amount large enough to arrest and book Suspect Hernandez.

IAB Note: According to Department JDIC (Justice Data Interface Controller) and CWS (Countywide Warrant System) databases, Suspect Hernandez had two warrants for his arrest at the time of the incident. One was for 148(A)(1) PC - Delay a Peace Officer, bail $30,000.00. The second warrant was for 594(a) PC - Vandalism, bail $30,000.00 [Exhibit A, page 188].

Before making contact with Suspect Hernandez, Deputy Khounthavong informed the family members they (deputies) could not forcefully remove Suspect Hernandez from the property since it appeared he was a resident of the property

and had legal rights to stay until properly evicted. Deputy Khounthavong told the witnesses, he and his partner could try to speak to Suspect Hernandez.

Before entering the house, Witness [redacted] informed Deputy Khounthavong that Suspect Hernandez possessed an air rifle, or possibly a shotgun. Both Witnesses [redacted] and [redacted] escorted both deputies into the house, and led them to the bedroom where Suspect Hernandez locked himself inside. The bedroom was located at the northwest corner of the house. To access the bedroom, one would walk westbound from the kitchen and down a short hallway. Both deputies stood at the beginning of the hallway and just inside the kitchen, several feet away from the bedroom door. They began to communicate with Suspect Hernandez through the closed door.

Deputy Khounthavong never knocked on the bedroom door, but loudly verbally identified themselves as deputy sheriffs to Suspect Hernandez, and asked him if they could speak with him. Suspect Hernandez replied he did not wish to speak to them, and informed them of his "Sovereign Citizen" status.

IAB Note: A Sovereign Citizen is a member of a political movement of people who oppose taxation, question the legitimacy of government, and believe they are not subject to laws. Many members of the Sovereign Citizen movement believe the United States government is illegitimate.

Suspect Hernandez told the deputies he did not follow the laws of the country, and they did not have any legal authority to evict him from the property. Deputy Khounthavong told Suspect Hernandez they merely wanted to speak to him about Witness [redacted] claim of how she was afraid of him. Suspect Hernandez reiterated he did not wish to speak to them, and asked to be left alone.

In order to get Suspect Hernandez to open the bedroom door, Deputy Rodriguez thought of a ruse by telling him they would deploy gas into his bedroom. Deputies Khounthavong and Rodriguez began making "hissing" sounds with their mouths, to give the effect of a gas being inserted underneath the bedroom door. Deputy Khounthavong never had any gas at any time, and repeated it was merely a ruse to get Suspect Hernandez to open the door. Suspect Hernandez never opened the door.

After an additional five minutes of talking to Suspect Hernandez, Deputy Khounthavong heard the sounds of movement coming from within the bedroom. He believed the sounds were consistent to someone moving furniture or climbing out a window. Deputy Rodriguez walked toward the living room, and spoke with Witness [redacted] to ascertain if there was another door or a window to the bedroom where Suspect Hernandez could exit from. Both deputies were still within a close distance from each other.

While Deputy Khounthavong was still in the kitchen area, he heard Deputy Rodriguez yell out something to the effect of, "Don't do it! Drop the guns! Drop the guns! We're not here for that!" Deputy Khounthavong immediately ran to Deputy Rodriguez and saw him standing in the living room, just inside the rear sliding glass door. Deputy Rodriguez was talking to someone outside, toward the backyard. When Deputy Khounthavong stood by Deputy Rodriguez at the sliding glass doorway, he could now see Suspect Hernandez standing in the backyard, holding a firearm in each hand. Suspect Hernandez held a handgun in his right hand, and a long gun in his left hand. Deputy Khounthavong described the long gun to be either a shotgun or rifle. He described the handgun to be black and appearing to be a semiautomatic style pistol. At this point, Suspect Hernandez was pointing the barrels of both weapons toward the sky, and had tucked the butt of the rifle underneath his left armpit. Deputies Khounthavong and Rodriguez pointed their duty weapons at Suspect Hernandez.

Deputy Khounthavong stood to Deputy Rodriguez's right side while looking westbound toward Suspect Hernandez, who was standing in the backyard. Deputy Khounthavong estimated Suspect Hernandez was approximately twenty feet away from them. Deputy Khounthavong knew he needed to communicate with the Sheriff's Communications Center (SCC) dispatcher to request the assistance of other patrol units. Deputy Khounthavong knew the name of the street they were on, but did not remember the house number. Deputy Khounthavong told Deputy Rodriguez he wanted to confirm the address of the location by going outside to the front of the house. Deputy Rodriguez agreed and understood Deputy Khounthavong was going to walk to the front of the location to confirm the address. Before walking out, Deputy Khounthavong saw Deputy Rodriguez was standing to the right of the sliding glass door, behind a chair and a piece of furniture for cover.

Deputy Khounthavong ran out through the front door, and saw the numbers of the address on the front of the house. He communicated on his portable radio, and advised the SCC dispatcher for emergency traffic clearance. Once the dispatcher acknowledged his transmission, Deputy Khounthavong advised he was detaining a male, who was armed with a handgun, at gunpoint, and informed them of his location. Deputy Khounthavong made his radio transmission while he was standing outside the front of the house. Deputy Khounthavong estimated he was away from Deputy Rodriguez for only a few seconds.

Once Deputy Khounthavong advised SCC of his emergent traffic, he ran back into the house and rejoined Deputy Rodriguez, who was still standing near the rear sliding glass door, facing the back yard. Deputy Khounthavong stood to the right of Deputy Rodriguez, and could still see Suspect Hernandez standing in the backyard, holding the weapons in his hands. Deputies Khounthavong and Rodriguez continued to yell commands at Suspect Hernandez to drop the weapons.

Seconds later, the shooting began. Deputy Khounthavong believed Suspect Hernandez shot toward them first, before he began to shoot back. Deputy Khounthavong saw the suspect pointing his handgun at him, and felt something hard strike the right side of his face, on his cheek. He did not know if he was stuck by either one of the suspect's bullets, or shrapnel. Deputy Khounthavong feared for his life, and believed he had been shot in the face. He shot at Suspect Hernandez in order to protect himself and Deputy Rodriguez.

While the shooting was occurring, Deputies Rodriguez and Khounthavong stood side by side (Deputy Khounthavong to the right of Deputy Rodriguez) and side stepped to their left. They were trying to seek cover behind the wall to the left side of the sliding glass door; however, there was not enough space for both of them. Deputy Khounthavong found himself standing in the open doorway, in full view of the suspect. Deputy Khounthavong elected to run outside into the patio area to seek cover and/or concealment behind one of the patio cover support posts. Deputy Khounthavong continued to fire his firearm while running out into the patio, all the while aiming at the suspect. Deputy Khounthavong's field of fire was clear and open.

IAB investigators showed Deputy Khounthavong a photograph **[Exhibit D]** of an off-white patio blind, which was in the lowered position, and asked him if he shot at the suspect through the blind. He could not recall if he did. Deputy Khounthavong stated his view of the suspect was never covered by anything while he shot at the suspect and he was able to maintain a clear view of the suspect throughout the shooting incident. Deputy Khounthavong maintained a continuous rate of fire from the time he started shooting from the living room, until he took cover behind one of the patio cover support post. Deputy Khounthavong stopped shooting at Suspect Hernandez when he saw him fall to the ground.

While Deputy Khounthavong stood behind one of the patio cover support posts, he realized Witness [redacted] was standing in the patio area as well. Witness [redacted] was standing near the sliding glass door, in between Deputy Khounthavong and Deputy Rodriguez, who remained inside the house. Deputy Khounthavong recalled seeing Deputy Rodriguez pull Witness [redacted] inside the house, when the gunfire subsided. Deputy Khounthavong estimated the entire shooting lasted only a few seconds.

Although Suspect Hernandez, had fallen backwards on the ground, facing up, he was still holding onto the handgun in his right hand. Deputy Khounthavong could not recall if the rifle was laying across his chest, or on the ground by his side. From his position underneath the patio cover, Deputy Khounthavong transmitted to the SCC dispatcher they had been involved in a shooting, requested assistance from additional units, and to have fire department personnel respond and stage nearby. While he waited for assistance to arrive, Deputy Khounthavong conducted a tactical reload of his weapon, and advised Deputy Rodriguez to do the same.

When additional units arrived into the back yard, they had walked in from the same sliding glass door from the living room. Deputy Rodriguez asked for an arrest team. Field Sergeant [redacted] who also arrived to assist and supervise, formulated a team to make contact with the suspect. Deputy Khounthavong remained underneath the patio cover, behind a post, covering the suspect at gunpoint, until the team made contact. Deputy Khounthavong did not assist with the contact and or handcuffing. He remained at his position until Suspect Hernandez was secured.

Deputy Khounthavong estimated he was approximately twenty to twenty-five feet away from the suspect when he first began to shoot from within the living room. When Deputy Khounthavong came to a stop behind the patio cover support post, he estimated the suspect was ten to fifteen feet away. Deputy Khounthavong articulated he raised his firearm to eye level and utilized the front and rear sites of his weapon. There was never a crossfire situation throughout the shooting.

Ten scene photographs and a sketch of the scene were used during Deputy Khounthavong's interview **[Exhibit D]**. Deputy Khounthavong identified the weapons depicted in the photographs as the weapons he saw Suspect Hernandez holding. He utilized the sketch to show IAB investigators his positions, and the positions of Deputy Rodriguez and Suspect Hernandez during the incident. Deputy Khounthavong utilized a red pen and identified Suspect Hernandez's location by marking the sketch with an "S". He identified his position with a "K" and "X", and identified Deputy Rodriguez's position with another "X".

Deputy Luis Rodriguez

On September 13, 2017, Involved Employee Deputy Luis Rodriguez was interviewed by Homicide Bureau Detectives Acebedo and Luera at Industry Station. Attorney Steven Welch represented Deputy Rodriguez during the interview. Deputy Rodriguez was interviewed a second time on August 29, 2019, by IAB Sergeants Valle and Rose at the IAB office. He was again represented by Attorney Steven Welch during the IAB interview.

IAB Note: **Deputy Rodriguez was initially interviewed by Homicide Bureau detectives several hours after the incident on September 12, 2017, at approximately 0005 hours. The incident occurred near the end of Rodriguez's double shift, and he was nearing the maximum threshold for working consecutive hours so his primary interview with Homicide Bureau was held on September 13, 2017. The interview conducted on September 12, 2017, was to account for the uniform and equipment he wore that evening and to conduct a count of the remaining bullets**

in his firearm, see Deputy Rodriguez's Homicide Bureau transcripts.

On September 11, 2017, Deputy Rodriguez was assigned to unit 142F, during the PM shift, with his partner, Deputy Khounthavong. Deputy Khounthavong was the driver of the patrol car while Deputy Rodriguez was the front passenger. Although Deputy Rodriguez was a [redacted], he was not Deputy Khounthavong's regularly assigned [redacted]. He was merely assigned to work with Deputy Khounthavong due to prescheduled training issues. Deputy Rodriguez had only worked with Deputy Khounthavong for two days, September 10 and 11, 2017, and never before.

Deputies Rodriguez and Khounthavong were in the field, handling calls for service when they were assigned a family disturbance call (tag #255). He remembered the call indicated a male was at the location who was possibly under the influence of drugs, and involved in a possible eviction from the property. When they arrived to the location, Deputy Khounthavong exited the patrol car and contacted an older male (Witness [redacted]) and female (Witness [redacted]) near the front gate of the property.

Moments later, Deputy Rodriguez exited the patrol car and joined Deputy Khounthavong with the witnesses. He heard Deputy Khounthavong explain to them they could not legally evict the male (Suspect Hernandez) at the time, but they could talk to him about the disturbance. Witness [redacted] explained to them Suspect Hernandez may have active warrants for his arrest, and had been seen with a "BB gun rifle" (air gun) the day before.

Deputy Rodriguez returned to the patrol car and utilized the Mobile Digital Computer (MDC) to determine if the suspect had any warrants. Deputy Rodriguez confirmed Suspect Hernandez had two outstanding warrants for his arrest, and remembered one of them was for resisting arrest, with a bail set for $30,000.00. He could not remember what the other warrant was for, nor its bail amount. Deputy Rodriguez retuned to Deputy Khounthavong and informed him about the warrants. The witnesses agreed both deputies could enter the house to try to talk to Suspect Hernandez about the disturbance. Witnesses [redacted] and [redacted] escorted them into the house, and directed them to a bedroom near the kitchen. They indicated Suspect Hernandez was inside the bedroom, refusing to come out. Both witnesses walked away and stayed in the adjacent living room.

Deputy Khounthavong knocked on the bedroom door, identified himself as a deputy sheriff, and asked Suspect Hernandez to exit in order to talk to them. Deputy Rodriguez stood several feet behind Deputy Khounthavong, in the kitchen. For the next five minutes, Suspect Hernandez refused to exit, and yelled they (deputies) did not have a search warrant to be inside his house. Suspect Hernandez stated he was a Sovereign Citizen and would not come out of the

bedroom. Deputy Rodriguez formulated a ruse to get Suspect Hernandez out of the bedroom, and told Suspect Hernandez he would deploy a gas underneath the door. Deputy Rodriguez began making a "hissing" sound with his mouth. He never really had any gas and made up the ruse to gain Suspect Hernandez's compliance in order to resolve the family disturbance.

When Deputy Rodriguez heard Suspect Hernandez claim he was Sovereign Citizen, his sense of officer safety became heightened. He recalled some of the things he had heard about members associated with the Sovereign Citizen movement, and how they tend to be uncooperative. Throughout the time both he and Deputy Khounthavong were talking to Suspect Hernandez through the closed door, Deputy Rodriguez could hear movement from inside, as if Suspect Hernandez was climbing out the bedroom window. Deputy Rodriguez walked into the living room, and asked Witness [redacted] if there was a window in Suspect Hernandez's bedroom. Witness [redacted] indicated there was a window, which Suspect Hernandez tends to climb out of, which led into the backyard. Witness [redacted] told Deputy Rodriguez it sounded as if Suspect Hernandez was climbing out the window as they spoke.

Deputies Rodriguez and Khounthavong walked with Witness [redacted] through the living room, and to the rear sliding glass patio door. Witness [redacted] walked outside to secure his pit bull dog, to allow the deputies to check the back yard for Suspect Hernandez. Both deputies remained inside the house, at the sliding glass door threshold.

Deputy Rodriguez looked to his right and saw Suspect Hernandez walking southbound underneath the patio, from the general direction of the bedroom. Suspect Hernandez was holding a dark colored rifle in his left hand and a black semi-automatic handgun in his right hand. Suspect Hernandez had the barrels of each gun pointed upward, toward the sky. Deputy Rodriguez immediately pointed his duty weapon at Suspect Hernandez and told him, "Drop the guns, put them down!" several times. Deputy Rodriguez remained near the sliding glass door, still inside the house, and Witness [redacted] was outside in the patio area, just past the sliding glass door, trying to secure the dog. Deputy Rodriguez estimated Suspect Hernandez was twenty to thirty feet away from him at the time he saw him holding the weapons.

Deputy Rodriguez continued to order Suspect Hernandez to drop his weapons, but he refused to comply. Suspect Hernandez appeared upset and responded by yelling, "I'm a Sovereign Citizen!" Deputy Khounthavong ran up from behind him (Deputy Rodriguez) and stood to his right side, at the sliding glass door. Deputy Khounthavong told him he needed to confirm the address to the location before requesting assistance on his portable radio. Deputy Rodriguez did not know the address either, and advised Deputy Khounthavong to go to the front yard of the house to get the address from a family member. Deputy

Khounthavong left and seconds later returned, already communicating on his radio, requesting assistance.

IAB Note: **IAB investigators asked Deputy Rodriguez if anything occurred while Deputy Khounthavong was gone, he said he continued to detain Suspect Hernandez at gunpoint, and continued to order him to drop the weapons. The shooting incident did not occur when Deputy Khounthavong left Deputy Rodriguez' position.**

When Deputy Khounthavong returned, Deputy Rodriguez saw Suspect Hernandez point the barrel of the handgun toward him, and heard a "pop" sound coming from it. Deputy Rodriguez believed Suspect Hernandez was shooting at him and became fearful for his life. As he simultaneously heard the "pop" sound coming from Suspect Hernandez's handgun, he heard the sound of wood cracking nearby and felt something strike his right hand. Deputy Rodriguez believed Suspect Hernandez shot him, at which time Deputy Rodriguez returned fire while standing near the sliding glass door. He believed he shot approximately two to three times. While Deputy Rodriguez fired his weapon, Witness [redacted] who was still standing outside in the patio area near the sliding glass door, stood up. His head came into Deputy Rodriguez's field of fire. Deputy Rodriguez immediately stopped firing in fear of shooting Witness [redacted] Witness [redacted] appeared shocked and confused as to where to go during the gunfire. Deputy Rodriguez reached forward, pulled Witness [redacted] backward into the living room, and pushed him toward the front door of the house. During this time, Deputy Khounthavong, who was standing nearby, stepped forward toward the glass door and began firing his handgun toward Suspect Hernandez. Deputy Rodriguez could still see Suspect Hernandez standing in the back yard, pointing his firearm toward them. When Deputy Rodriguez pushed Witness [redacted] toward the front door, he stepped only a few feet away from the glass door, staying close by Deputy Khounthavong.

When Deputy Rodriguez stood in the living room, and after he pushed Witness [redacted] toward the front door, he saw Deputy Khounthavong run in a southwest direction, through the open glass doorway, and outside into the patio. Deputy Rodriguez saw Suspect Hernandez now pointing his handgun toward the direction where Deputy Khounthavong ran to, and believed he was now firing his handgun at Deputy Khounthavong. Fearing for Deputy Khounthavong's life, Deputy Rodriguez fired one additional round at Suspect Hernandez, who fell backwards onto the ground. Suspect Hernandez was facing up and still holding onto the handgun in his right hand. When Deputy Rodriguez moved forward, back to where he was standing before (behind the wall to the left of the sliding glass doorway), he could see Deputy Khounthavong southwest of him, standing behind one of the patio cover support posts.

Deputy Rodriguez broadcasted over his portable radio, advising his assisting units they had just been involved in a shooting. He also conducted a tactical reload of his firearm and continued to detain Suspect Hernandez at gunpoint until his assisting units arrived.

When additional units and Sergeant [redacted] arrived, they contacted Deputy Rodriguez inside the living room. Deputy Rodriguez began to assign deputies various duties, such as an arrest team, and a contact deputy with a ballistic shield. Once the team walked to the suspect, the deputy with the shield pressed the shield against the suspect's body to prevent him from moving his hands, since the suspect was still maintaining a grasp of the handgun. Deputy Antonio Del Rio #[redacted] pulled the handgun away from Suspect Hernandez's hand and dropped it on the ground next to him. Once Suspect Hernandez was handcuffed, they waited for paramedics to arrive to treat him.

Deputy Rodriguez never described a crossfire situation occurring with Deputy Khounthavong. Deputy Rodriguez reiterated he stopped shooting when Witness [redacted] head came into his field of fire when he (Witness [redacted]) stood up in front of him.

Six scene photographs and a sketch of the scene were used during Deputy Rodriguez's interview **[Exhibit E]**. Deputy Rodriguez identified the weapons depicted in the photographs as the weapons he saw Suspect Hernandez holding. He utilized the sketch to show IAB investigators his positions, and the positions of Deputy Khounthavong and Suspect Hernandez during the incident. Deputy Rodriguez utilized a red pen, and identified Suspect Hernandez's location by marking the sketch with an "S1" and an "S2". He identified his position with an "X", and Deputy Khounthavong's position with a "K". He also identified Witness [redacted] position with an "F".

WITNESS STATEMENTS

[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detectives Acebedo and Luera, and IAB Sergeants Valle and Renteria on September 12, 2017. Witness [redacted] identified himself as the [redacted] of Suspect Hernandez. Suspect Hernandez resided at the location, which was owned by Witness [redacted]. Witness [redacted] was identified as Witness [redacted], and Suspect Hernandez's [redacted]

Witness [redacted] explained Witness [redacted] allowed Suspect Hernandez to temporarily live with her when he divorced from his wife, nearly one year ago. Witness [redacted] believed his [redacted] had been struggling with alcohol abuse and drug addiction, specifically with methamphetamine and marijuana. Approximately three years ago, Witness [redacted] saw a change

in Suspect Hernandez's behavior when he became interested in the Sovereign Citizen ideology. Suspect Hernandez refused to have a driver's license, proper Department of Motor Vehicles license plates, and required registration tags on his car. Witness [redacted] believed his [redacted] was "brainwashed" by information he found on the internet, and became obsessed with it by listening to Sovereign Citizen ideology podcasts day and night.

Suspect Hernandez took pleasure in challenging law enforcement officers, and would often engage in debates with them about their inability to enforce their laws against him. He was known by the Baldwin Park California Highway Patrol (CHP) officers because they often stopped him for vehicle code violations. On one occasion, Suspect Hernandez went to the Baldwin Park CHP office, and told employees and officers at the front counter they worked for him, while pointing his finger at them saying, "You work for me. You're fired." He often went to various police stations, and would ask questions and harass law enforcement officers for no reason.

IAB Note: Homicide Bureau detectives provided IAB investigators a compact disc that contained several videos copied from Suspect Hernandez's YouTube channel. Those videos were copied onto a USB flash drive [Exhibit G]. The videos depicted Suspect Hernandez' interaction with police officers and his defiance with authority.

Approximately three years ago, Suspect Hernandez and his [redacted]) separated and were evicted from their house in Azusa. [redacted] moved out of the house and moved to Fontana with their [redacted] but Suspect Hernandez refused to leave the Azusa property, and began living in the garage. He used extension cords to steal electricity from neighbors, and would spend most of his time abusing alcohol and drugs. When he was eventually permanently evicted from the garage, Witness [redacted] allowed him to temporarily reside with her at the location, until he found a job and enrolled in school. Suspect Hernandez had now overstayed his welcome, and had been living there for nearly three years.

Witness [redacted] asked Suspect Hernandez several times to move out, but he manipulated her into allowing him to stay longer. Initially, Suspect Hernandez agreed to pay Witness [redacted] rent, and do chores around the house, but he never did. The house was always in disarray. Witness [redacted] believed Witness [redacted] filed two restraining orders against Suspect Hernandez, but she felt sorry for him and allowed him to move back into the residence.

IAB Note: IAB investigators were unable to locate any restraining orders related to Suspect Hernandez.

As a method to get Suspect Hernandez to leave the house on his own, Witness [redacted] and Witness [redacted] made up fictitious court eviction paperwork, and presented them to him twenty-one days prior to the day of the incident. Suspect Hernandez refused to leave, threatened to "protect himself" if police officers came to evict him, and said he would not be taken alive.

Witness [redacted] recently noticed Suspect Hernandez become more depressed, and had begun stabbing his left arm with a screwdriver. He also cut himself with a pen while he was in custody approximately six months ago. Although he never heard Suspect Hernandez say he wanted to kill himself, he recalled him saying he would "die by a cop," and would not be taken alive. Witness [redacted] said Suspect Hernandez had a hatred for authority figures, specifically police officers, and wanted them to kill him.

On September 11, 2017, at approximately 1600 hours, Witness [redacted] and Witness [redacted] arrived to the location to tell Suspect Hernandez he needed to move out, according to the fictitious eviction paperwork. Witness [redacted] stood outside of Suspect Hernandez's bedroom, and found Suspect Hernandez had installed a latch and padlock, securing the door closed. Witness [redacted] spoke to him through the closed door, and told him he needed to leave. Suspect Hernandez refused to comply. When Witness [redacted] began to remove the latch and padlock from the door, Suspect Hernandez complained he was destroying his property, and warned if deputies came to the house, he would "defend himself."

Witness [redacted] exited the house and directed Witness [redacted] to call the sheriff's department for help. She informed him she already called. Approximately thirty minutes later, two deputies (Deputies Rodriguez and Khounthavong) arrived in a patrol car. Witness [redacted] explained to the deputies the entire incident with Suspect Hernandez, and how he claimed to be a Sovereign Citizen. He informed them he wanted Suspect Hernandez to leave the property, but he had locked himself in the bedroom. Witness [redacted] also told the deputies Suspect Hernandez possessed an air rifle.

Witness [redacted] escorted the deputies into the house and to the locked bedroom door. He heard them identify themselves as deputy sheriffs to Suspect Hernandez, but Suspect Hernandez told them to leave because he knew he had rights. The deputies were extremely patient when they talked to Suspect Hernandez through the closed door. Witness [redacted] heard one of the deputies tell Suspect Hernandez to exit, or they would deploy gas into the room. At first, Witness [redacted] believed the deputies were merely being creative by saying they would deploy gas as a method to get him to come out of the room; however, he began to hear a "hissing" sound. One of the deputies told Suspect Hernandez to exit or else he would pass out from breathing the gas within several minutes. Witness [redacted] admitted he did not see any device, or any method of how the deputies deployed the gas. His view was obstructed by

the two deputies, who were standing in front of him in the hallway that led to the bedroom door.

When Witness [redacted] did not hear anything from inside the bedroom for nearly ten minutes, he informed the deputies of a bedroom window that faced the backyard. He led the deputies to the living room from the kitchen. At this point, Witness [redacted] dog ran into the living room through the open sliding glass door. When he grabbed the dog, he saw Suspect Hernandez standing in the backyard, standing in a "posturing position." When Homicide investigators asked Witness [redacted] what he meant by a "posturing position", he said, "He (Suspect Hernandez) was ready to kick some ass or ready to shoot somebody or get shot where he was postured to…gestured like, I'm ready to it on…" **[Witness [redacted] Transcribed Interview, page 21]**

When Witness [redacted] saw Suspect Hernandez making gestures and taunting the deputies, he saw Suspect Hernandez was armed with a pellet air rifle in his right hand, and a pistol in his left hand, which were pointed downward. He recognized the rifle as the one he had seen in his son's bedroom before; however, he had never seen the pistol before. He described the pistol to be similar to a Glock semiautomatic 9mm handgun, and said it appeared to be authentic.

Suspect Hernandez stood in the backyard, approximately fifteen feet west of the sliding glass door. Witness [redacted] saw a deputy standing just outside the sliding door, and saw the other deputy step outside into the patio area. Suspect Hernandez told Witness [redacted] "[redacted] help me." Witness [redacted] told him the only way he could help him was if he dropped the weapons. He saw the deputies pointing their handguns at Suspect Hernandez, and heard one of them tell Suspect Hernandez to listen to Witness [redacted] During this time, Witness [redacted] was trying to control the dog, which was running loose in the area outside the sliding glass door.

Witness [redacted] heard the sound of a pellet rifle being fired. When he looked toward Suspect Hernandez, he saw Suspect Hernandez was pointing the barrel of the rifle toward the deputies. Suspect Hernandez then began to raise his left hand to point the handgun toward the deputies. Witness [redacted] heard one of the deputies say, "Listen, we don't need to do this, Vincent…do not raise that pistol." **[Witness [redacted] Transcribed Interview, page 23]**. Suspect Hernandez did not comply, and aimed the handgun at the deputies. The deputies repeatedly told him to lower the weapon.

When Witness [redacted] grabbed a hold of the dog, he heard a gunshot come from where Suspect Hernandez was standing. He described the shot to be from a small caliber gun, rather than from a pellet gun. After hearing the shot, he believed Suspect Hernandez was shooting toward him and the deputies standing

near the sliding glass door. Witness [redacted] feared for his life, and fell to the ground to cover the dog, and got as low as possible to avoid getting shot.

Witness [redacted] heard the deputies shoot approximately four to five times at Suspect Hernandez, which caused Suspect Hernandez to fall onto his back, on the ground in the backyard. Once the gunfire subsided, he saw the deputies approach Suspect Hernandez and cleared the weapons away from him, which were on the ground near Suspect Hernandez. Once the deputies began speaking on their radios, they directed Witness [redacted] to go into the house, which he did. Several minutes later, several patrol cars arrived to the residence.

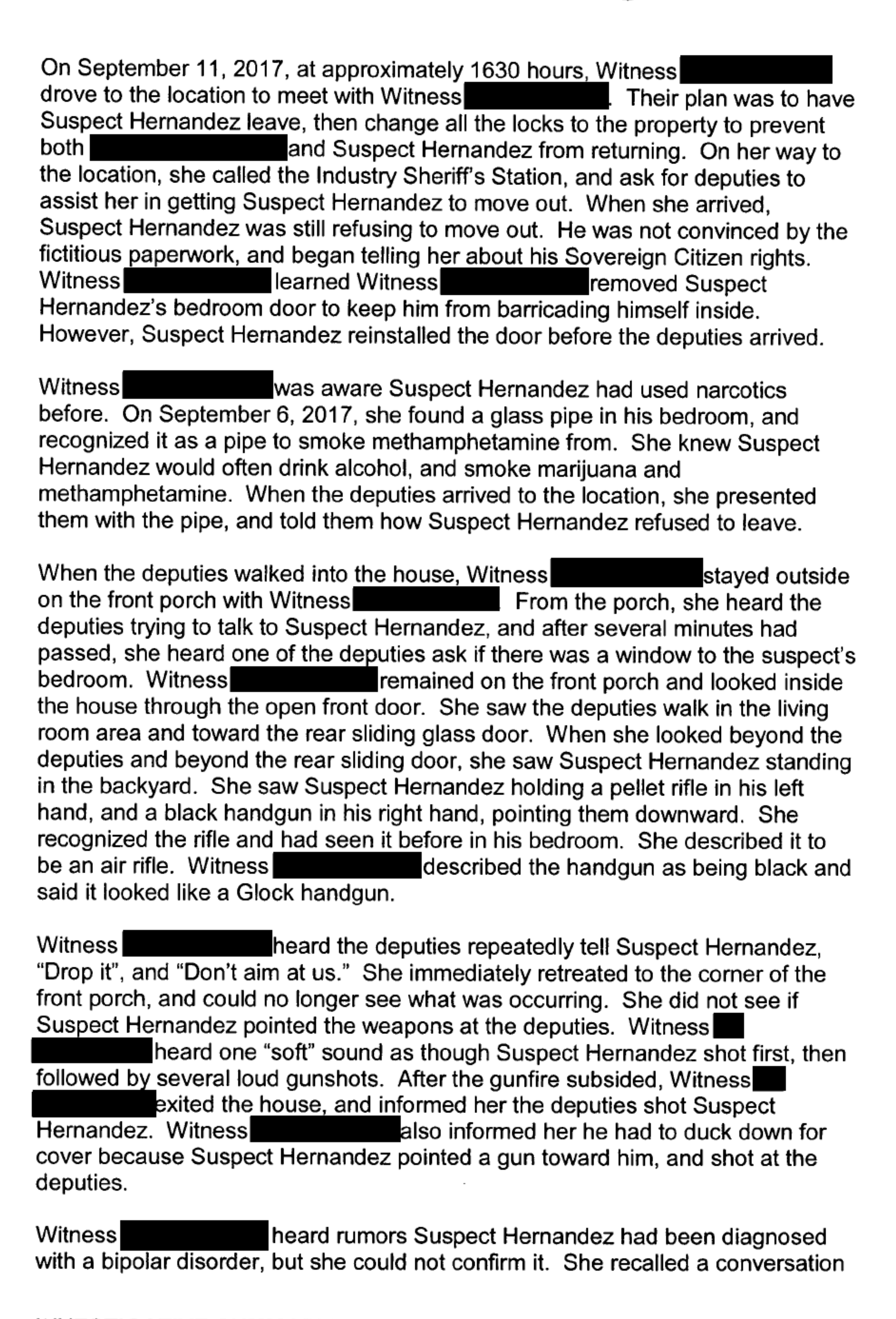
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detectives Acebedo and Luera, and IAB Sergeant Renteria on September 12, 2017. Witness [redacted] identified herself as the [redacted] of Suspect Hernandez. Witness [redacted] is her [redacted] and Witness [redacted] is her [redacted]

Suspect Hernandez had been living with Witness [redacted] who is an elderly [redacted]. Witness [redacted] did not want him living with her any longer because he did not work, and refused to help her with basic chores around the house. Suspect Hernandez caused Witness [redacted] the most problems because of his hostile and aggressive behavior from his drug abuse, and his Sovereign Citizen beliefs. Witness [redacted] described this type of abusive behavior toward Witness [redacted] lasting for nearly two years. She said they made [redacted].

IAB Note: [redacted]

Witness [redacted] and other family members had an idea to serve [redacted] and Suspect Hernandez fictitious eviction paperwork to convince them to move out. Witness [redacted] found the documents online, printed them, and filled in the information to make them appear authentic. The eviction notice was not from the court, nor enforceable. Twenty-one days prior to September 11, 2017, she presented the paperwork to both [redacted] and Suspect Hernandez. Suspect Hernandez refused to sign the paperwork.



On September 11, 2017, at approximately 1630 hours, Witness [redacted] drove to the location to meet with Witness [redacted]. Their plan was to have Suspect Hernandez leave, then change all the locks to the property to prevent both [redacted] and Suspect Hernandez from returning. On her way to the location, she called the Industry Sheriff's Station, and ask for deputies to assist her in getting Suspect Hernandez to move out. When she arrived, Suspect Hernandez was still refusing to move out. He was not convinced by the fictitious paperwork, and began telling her about his Sovereign Citizen rights. Witness [redacted] learned Witness [redacted] removed Suspect Hernandez's bedroom door to keep him from barricading himself inside. However, Suspect Hernandez reinstalled the door before the deputies arrived.

Witness [redacted] was aware Suspect Hernandez had used narcotics before. On September 6, 2017, she found a glass pipe in his bedroom, and recognized it as a pipe to smoke methamphetamine from. She knew Suspect Hernandez would often drink alcohol, and smoke marijuana and methamphetamine. When the deputies arrived to the location, she presented them with the pipe, and told them how Suspect Hernandez refused to leave.

When the deputies walked into the house, Witness [redacted] stayed outside on the front porch with Witness [redacted]. From the porch, she heard the deputies trying to talk to Suspect Hernandez, and after several minutes had passed, she heard one of the deputies ask if there was a window to the suspect's bedroom. Witness [redacted] remained on the front porch and looked inside the house through the open front door. She saw the deputies walk in the living room area and toward the rear sliding glass door. When she looked beyond the deputies and beyond the rear sliding door, she saw Suspect Hernandez standing in the backyard. She saw Suspect Hernandez holding a pellet rifle in his left hand, and a black handgun in his right hand, pointing them downward. She recognized the rifle and had seen it before in his bedroom. She described it to be an air rifle. Witness [redacted] described the handgun as being black and said it looked like a Glock handgun.

Witness [redacted] heard the deputies repeatedly tell Suspect Hernandez, "Drop it", and "Don't aim at us." She immediately retreated to the corner of the front porch, and could no longer see what was occurring. She did not see if Suspect Hernandez pointed the weapons at the deputies. Witness [redacted] heard one "soft" sound as though Suspect Hernandez shot first, then followed by several loud gunshots. After the gunfire subsided, Witness [redacted] exited the house, and informed her the deputies shot Suspect Hernandez. Witness [redacted] also informed her he had to duck down for cover because Suspect Hernandez pointed a gun toward him, and shot at the deputies.

Witness [redacted] heard rumors Suspect Hernandez had been diagnosed with a bipolar disorder, but she could not confirm it. She recalled a conversation

she had with Witness [redacted], where Suspect Hernandez told her several times in the past that police officers would have to kill him before he went back to jail. Witness [redacted] never heard him make those comments before.

[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detectives Acebedo and Luera, and IAB Sergeant Renteria on September 11, 2017. Witness [redacted] identified herself as the homeowner of the location, and [redacted] of Suspect Hernandez. Witness [redacted] is her [redacted] and Witness [redacted] is her [redacted].

Witness [redacted] helped raise Suspect Hernandez from the age of five years. His [redacted] abandoned him and his [redacted], and there was no one else to take care of them. He lived with her until he married, and began his own family. Approximately two years ago, Suspect Hernandez divorced his wife and came to live with her (Witness [redacted]). Approximately twelve years ago, her other [redacted], began to live with her and never left.

Suspect Hernandez did not pay Witness [redacted] rent, but at times would help pay for groceries. He got along with her, and had taken her on errands or shopping; however, he recently told her he did not have to work because he was angry with the government.

Approximately two months ago, Witness [redacted] passed away. Afterwards, she told both [redacted] and Suspect Hernandez she was tired of cooking for them, and asked them to leave the house. Suspect Hernandez told her he did not want to leave, and she would have to evict him. She wanted him to leave because it was difficult to live with him. He would often stay up late at night, making noise, and watching television, not allowing her to rest.

Witness [redacted] was not sure if Suspect Hernandez suffered from any mental illnesses. He often spoke of his Sovereign Citizen beliefs, which never made any sense to her. Suspect Hernandez never carried a driver's license, nor paid for vehicle registration because he did not believe in them. He did not want to buy or pay for anything.

On September 11, 2017, the day of the incident, Suspect Hernandez was supposed to move out of her house. Witness [redacted] could not provide any details about the eviction paperwork. That morning, she talked to Suspect Hernandez, reminded him he was supposed to move out, but he told her to leave him alone. Later that day, Witnesses [redacted] and [redacted] arrived, and again asked Suspect Hernandez to leave the house, but he did not comply.

Two deputies arrived to the location after Witness [redacted] called the Industry Sheriff's Station for help. Witnesses [redacted] and [redacted] spoke to the deputies, and directed them into the house to speak to Suspect Hernandez. Witness [redacted] remained outside on the porch throughout the entire incident. From the porch, she heard the deputies talking to Suspect Hernandez through his closed bedroom door. She was unable to hear exactly what Suspect Hernandez was saying, but he sounded upset. For several minutes, it was fairly quiet, until she heard Witness [redacted] scream out at least two times, "Junior, put it down!", followed by five to six gunshots. She wanted to check on Suspect Hernandez, but the deputies did not allow her to go inside the house. She did not know what happened until Witness [redacted] told her the deputies introduced gas into Suspect Hernandez's bedroom. This made him climb out the bedroom window with an air rifle, at which time he was shot by the deputies. Witness [redacted] was aware Suspect Hernandez owned an air rifle, which he previously purchased for his sons. Suspect Hernandez' [redacted] did not wish to have a gun in the house with her [redacted] so he kept it in his bedroom.

Sergeant [redacted]

Witness Sergeant [redacted] was interviewed by IAB Sergeant Valle on August 19, 2019, in her office at Internal Criminal Investigations Bureau. On the day of the shooting, she was assigned to Industry Station, as unit 142S, one of the field sergeants.

Sergeant [redacted] was not assigned to the original call with Deputies Khounthavong and Rodriguez (tag #255). She confirmed the call was not voiced, and she was unaware the deputies were at the location. Sergeant [redacted] became aware of the incident when one of the deputies requested assistance over the radio related to detaining an armed male at gunpoint. When the location was given, she immediately began to drive to the address. She did not recognize the address, and had never been there before. The deputies advised they were involved in a shooting while she was still driving to the location.

Sergeant [redacted] arrived at the location almost simultaneously with other patrol units. She recalled when either Deputy Khounthavong or Deputy Rodriguez spoke on the radio, they said the suspect was laying down in the backyard, and was still holding the weapon in his hand. Sergeant [redacted] immediately directed assisting deputies to retrieve the ballistic shields from her vehicle. She and other deputies entered the house through the front door and meet Deputies Khounthavong and Rodriguez in the backyard.

When Sergeant [redacted] walked into the backyard, she heard both Deputy Rodriguez and Deputy Khounthavong giving commands to the suspect, who was lying on the ground, unresponsive. Sergeant [redacted] formulated a contact team, and directed two deputies with a ballistic shield to stand in front of them.

She assigned one deputy to be a less lethal force option with a Taser, and one other deputy to be the contact deputy. Both Deputy Khounthavong and Deputy Rodriguez were still detaining the suspect at gunpoint. She was already informed fire department personnel had been called to stage nearby. Before walking toward the suspect, Sergeant [redacted] asked either Deputy Rodriguez or Deputy Khounthavong if anyone one else was inside the house. They told her the rest of the family was outside, toward the front yard. At this point, she directed the deputies to approach the suspect.

Sergeant [redacted] and the team of deputies approached the suspect and saw there was a rifle and a handgun lying next to him. Once the suspect was handcuffed, she did not recall what happened with the weapons. She insured the rest of the house was cleared, and then began to focus on the people in the front yard. Some of them appeared agitated and upset the deputies shot the suspect. Once additional resourced arrived to the location, Sergeant [redacted] ensured a command post was established, and both Deputies Khounthavong and Rodriguez were transported to the station. She also ensured witnesses were identified, and transported to the station as well.

When IAB investigators asked Sergeant [redacted] if she was aware there was a Hazard File associated with the address, she said at the time she responded to the call, she did not know. She believed she was informed about it later that evening. She believed the Hazard File referenced a male, who resided at the location, possibly suffering from mental disorders, and who claimed to be a sovereign citizen. Sergeant [redacted] learned the Hazard File also referenced to always have a sergeant respond to all calls at the location.

IAB Note: **A Hazard File, commonly known as a Hazard Hit, is a function within the Computer Aided Dispatch (CAD) system that can aide patrol units with pertinent information or messages associated to an address. This information/message can be inputted by anyone trained with the CAD system, and is automatically revealed when a call for service is created, and before the call is sent to the MDC in patrol units.**

Several days after the incident, Sergeant [redacted] was approached by Lieutenant Carlos Parga, who directed her to conduct a Supervisory Inquiry. She was given instructions to look into the matter of the Hazard File, and specifically why a sergeant was not assigned to the call, as directed by the Hazard File. [redacted].

IAB Note: [redacted]

[redacted]

Sergeant [redacted] interviewed several Industry Station personnel, including the dispatcher assigned to the PM shift on September 11, 2017, Deputy Katherine Alcala. Deputy Alcala told Sergeant [redacted] she did not notice the Hazard File associated to the location before dispatching the call to unit 142F. Deputy Alcala stated although she had been thoroughly trained to be a station dispatcher, she recalled being busy that afternoon and merely overlooked the Hazard File.

Witness Law Enforcement Technician Robert Lai

Witness Robert Lai was interviewed by Homicide Bureau Detectives Luera and Acebedo on September 13, 2017, and interviewed a second time by IAB Sergeant Valle on August 13, 2019. On the day of the shooting, Witness Lai was assigned to Complaint 2, within the desk operations center of Industry Station. He was responsible for answering calls from the public and 911 calls. He was also responsible for typing any calls for service into the CAD system, then sending the calls to the station dispatcher, who would then assign the calls to the field units.

IAB Note: **During Homicide Bureau's investigation, they discovered the recording of the phone call Witness [redacted] made to the Industry Station on September 11, 2017, was lost due to technical problems. It was determined; however, the phone call was made to the Industry Station business line and not the 911 line.**

Witness Lai recalled receiving the initial phone call from Witness [redacted] who informed him her [redacted] (Suspect Hernandez) was inside the house, refusing to leave. Witness [redacted] informed Witness Lai that Suspect Hernandez locked himself in a room, refused to come out, and believed he was possibly under the influence of drugs. When Witness Lai asked Witness [redacted] if Suspect Hernandez had any weapons, she told him he did not. Witness [redacted] sounded a little upset, but was not screaming or being hysterical. Witness Lai typed the call into his terminal with the information Witness [redacted] relayed to him, and made the call "routine". After he ended the phone call, he completed the call, and sent it to the station dispatcher, Deputy Alcala.

Witness Lai said he never saw a Hazard File associated with the call he created. An associated Hazard File would never populate on his screen/terminal when he typed in the information to create the call for service. It would only populate on the dispatcher's screen once a call is sent to the dispatcher's terminal. Once Witness Lai sent the call to the station dispatcher, the call disappeared from his screen/terminal.

Witness Lai was not familiar with the address ([redacted] Stichman Avenue) before September 11, 2017, and could not recall if he ever received a call from that location before.

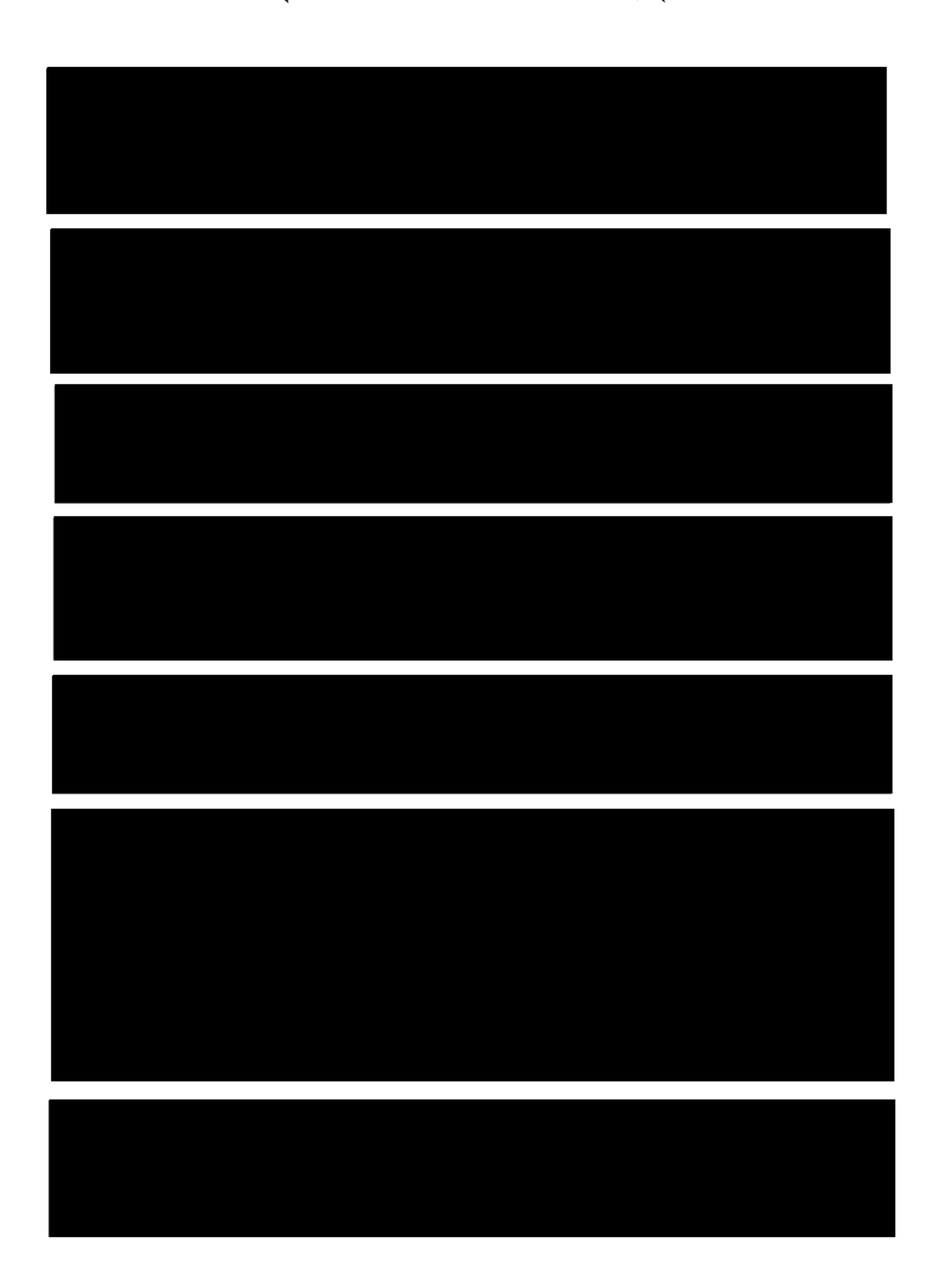
SUSPECT STATEMENT

Vincent Hernandez, Jr. (deceased)

ADDITIONAL INFORMATION

According to Department records, there were [redacted] Stichman Avenue. The following are summaries of each [redacted] and the results of those [redacted]

[redacted]



[redacted]

[redacted]

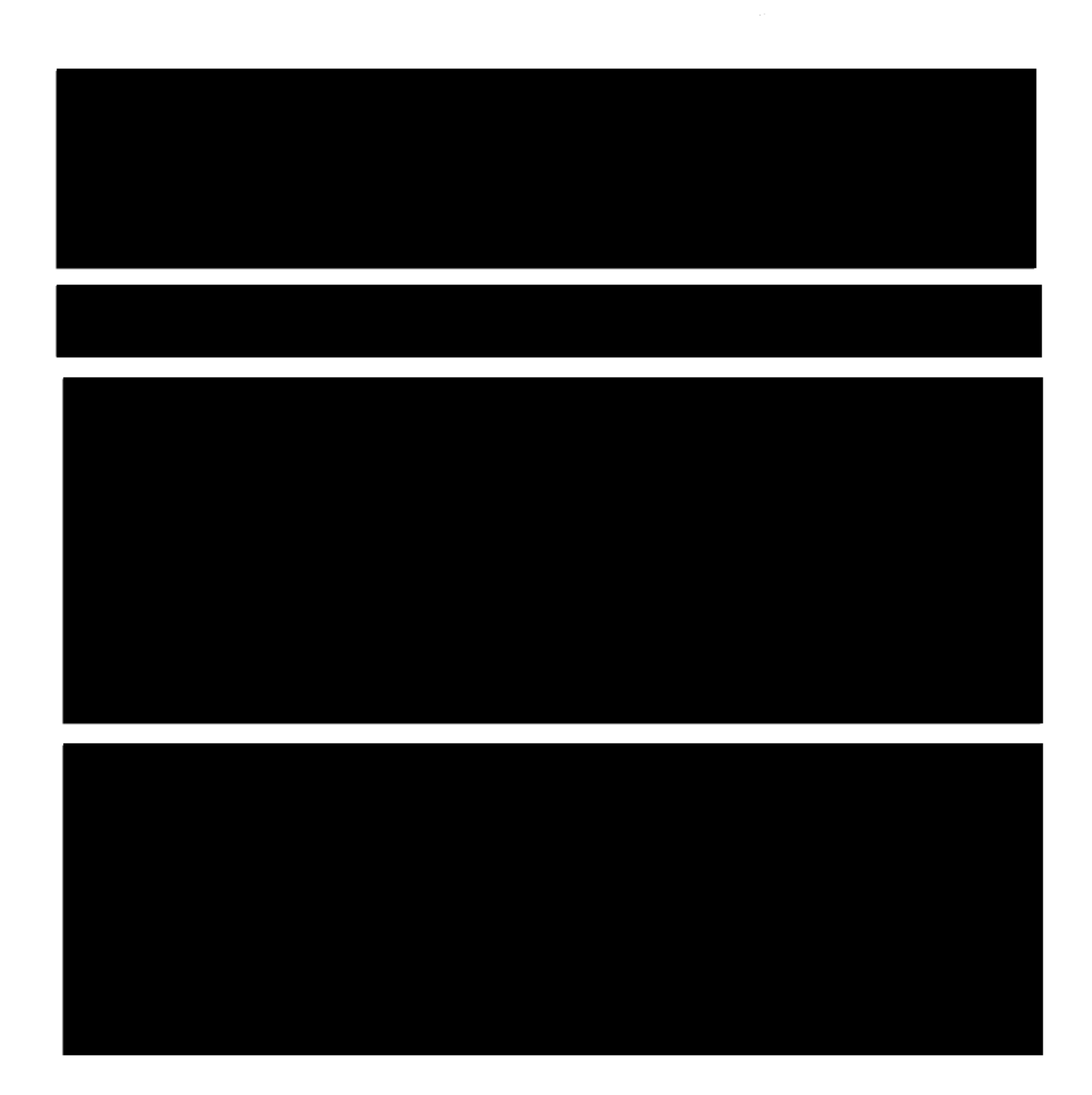
[redacted]

[redacted]

[redacted]

[redacted]

[redacted]



[redacted]

[redacted]

[redacted]

[redacted]